



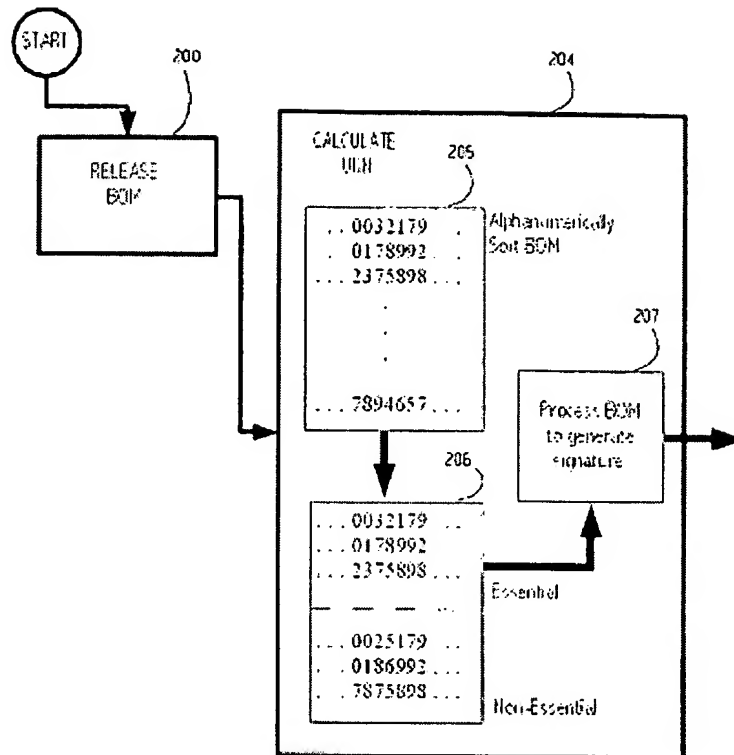
ATTACHMENT A Remarks

Claim Rejections – 35 U.S.C. 103

Claims 7 – 14 and 31 – 38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (U.S. Patent No. 6,202,070) ("Nguyen") in view of Spagna et al. (U.S. Patent Application Publication No. 2002/0002468) ("Spagna"). This rejection is respectfully traversed, although independent claims 7 and 31 have been amended to more clearly define over the references.

Claim 7, as amended, recites a method of operating an image delivery system having a storage device, including, *inter alia*, dividing a bill of materials into an essential portion and a non-essential portion, the essential portion including any hardware components or software components having an impact on generation of a disk image for the target computer system, performing a key generating function on a sorted essential portion of the bill of materials to generate a unique key identifying the disk image for the target computer system, and using the generated key to determine if the disk image exists on the storage device.

By way of example, as explained in the instant Application in paragraph [0032], the essential portion of the bill of materials ("BOM") includes components having an impact on generation of the disk image, such as "software applications, software drivers, software configurable hardware devices, operating systems, registries, initialization files, libraries, and the like" and the non-essential portion of the BOM includes components not having an impact on generation of the disk image, such as "power plugs, mechanical enclosures and the like." FIG. 2B of the Application, reproduced below for convenience, illustrates in block 206, a BOM divided into essential and non-essential portions.



It is alleged in the Office Action that “Nguyen discloses ... dividing the bill of materials into an essential portion and a non-essential portion (fig. 2 depicts a partition table [which] divides the bill of materials), ...” and that “Spagna teaches ... performing a key generating function of the at least the essential portion of the bill of materials to generate a key associated with the software configuration ([0229] discusses creating a key of the bill of materials content); and using the generated key to determine if the software configuration exists on the storage device ([0229] discusses using the key to validate the completeness of all parts).”

Fig. 2 of Nguyen shows an “Entity Relationship Diagram” which describes a “relational database structure utilized in the preferred embodiment” (col. 14, lines 9 – 11). For convenience, Fig. 2 of Nguyen is shown below:

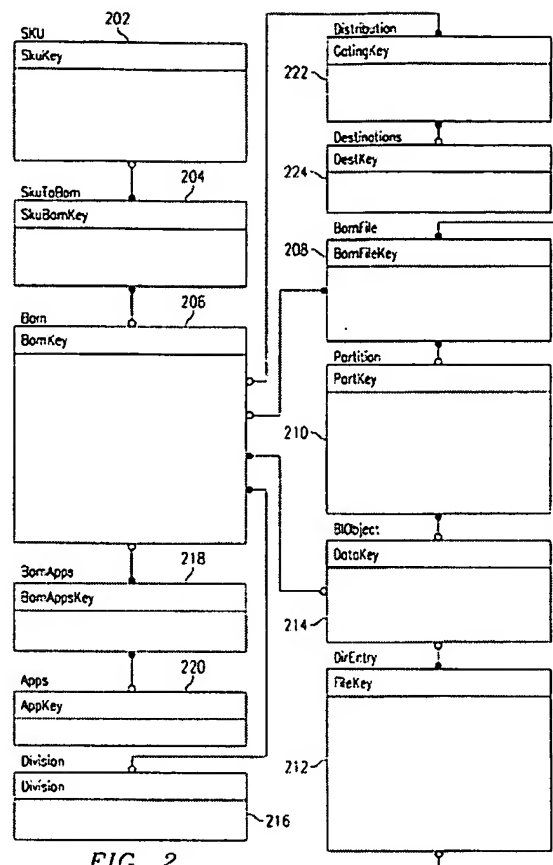


FIG. 2

While a "Bom Table 206" is shown in Fig. 2, Nguyen does not contain a teaching or a suggestion of dividing the "Bom Table 206" into an essential portion and a non-essential portion. At best, Nguyen discloses other tables (e.g., a Division Table 216, a BomApps Table 218, a Distribution Table 222, etc.) that are related to but are not divisions of the Bom Table 206. For instance, the "Division Table 216" is a "master lookup read-only table for identification of product systems-engineering divisions" (col. 21, lines 61 – 63). The "BomApps Table 218" establishes "an optional relationship" between a BOM and an application. None of the "Division Table 216," the "BomApps Table 218," or any of the other "related" tables shown in Fig. 2 on Nguyen are teachings or suggestions of dividing a bill of materials into an essential portion and a non-essential portion, the essential portion including any hardware components or software components having an impact on generation of a disk image for a target computer system, as recited in amended claim 7.

Further, it is respectfully submitted that not only does Nguyen not disclose the method recited in amended claim 7, Nguyen expressly teaches away from such a method. Amended claim 7 recites “performing a key generating function ... to generate a unique key identifying a disk image for a target computer system,” and “using the generated key to determine if the disk image exists on a storage device.” Nguyen teaches that “the use of disk images for distribution of software has inherent disadvantages” (col. 2, lines 9 – 10), and teaches a distribution system that shifts the paradigm of the disk image from the “current one image per configuration” distribution method to manage disk images on a “component by component basis” (col. 5, lines 22-30). Thus, it is respectfully submitted that Nguyen teaches away from the “one image per configuration” paradigm (i.e., “one image per target computer system”) and teaches away from the method as recited in claim 7.

Further still, the cited passage of Spagna merely discloses calculating a “message digest” for the parts of a bill of materials, concatenating the digests together, computing another digest from the concatenated parts which is then encrypted using a private key to create a digital signature. The digital signature can then be used by “parties receiving SC(s) [Secure Container(s)] to verify all of the digests and thus validate the integrity and completeness of the SC(s) and all of its parts (paragraph [0229]). It is respectfully submitted that “validating the integrity and completeness of a received ‘container’” does not equate to “determining if a disk image exists on a storage device” because validating something (e.g., an “SC”) that has been received does not equate to determining if that something exists. Further, determining if something (e.g., a “disk image”) exists on a storage device using a “unique key” does not equate to encrypting / decrypting a digest of concatenated parts using a “private key.”

Thus, it is respectfully submitted that even if Nguyen was an appropriate reference and was properly combinable with Spagna, the references do not teach the method recited in amended claim 7.

Claims 8 – 14 depend from amended claim 7, and are allowable for at least the reasons provided in support of the allowability of amended claim 7.

Additionally, claim 8, as amended, recites “transferring the disk image to the target computer system if the disk image exists on the storage device, and generating a

new disk image corresponding to a software configuration of the target computer system if the disk image does not exist on the storage device.” As discussed above with respect to amended claim 7, Nguyen teaches away from the “one image per configuration” paradigm (i.e., “one image per target computer system”) that is also the subject matter of amended claim 8.

Claim 31, as amended, recites a computerized system for identifying a disk image of a software configuration for delivery, comprising a storage device, a processor, a computer readable medium capable of being read by the processor. The computer readable medium includes a plurality of computer instruction for causing the processor to perform the method of claim 7. Claims 32 – 38 depend from claim 31, and substantially include the subject matter of the steps recited in method claims 8 – 14.

The Office Action rejects claim 31 for substantially the same reasons as provided for the rejection of claim 7. Additionally, claims 32 – 38 are rejected together with their counterpart claims 8 – 14.

Thus, it is respectfully submitted that claims 31 – 38 are allowable for at least the reasons provided in support of the allowability of claims 7 – 14.

END REMARKS